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09/882,586	06/14/2001	Stephen C. Goss		9576

7590 12/16/2003  
Werner Ulrich  
434 Maple Street  
Glen Ellyn, IL 60137-3826

EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

# Office Action Summary

Application No.

09/882,586

Applicant(s)

GOSS ET AL.

Examiner

Joseph D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 9, the phrase "in accordance with the principles of the prior art" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 2-8 and 10-16, these claims are also rejected under 35 U.S.C. 112, second paragraph as being dependent upon claims 1 and 9.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-2, 4-10, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian et al. (6,456,842) in view of Nguyen (6,122,509).

Regarding claim 1, Subramanian et al. discloses a method of establishing a wireless cellular telecommunications call (abstract), comprising the steps of: originating said call; if a radio channel is available for said call, establishing said call in accordance with the principles of the prior art (abstract, fig. 2); if no radio channel is available for said call, deferring establishment of said call (fig. 3A-B, col. 5 lines 14-24). However, Subramanian et al. does not specifically disclose deferring establishment call to an assigned time and establishing said call at said assigned time.

Nguyen teaches establishing call to an assigned time and establishing said call at said assigned time (abstract, fig. 2-3, col. 3 line 15 thru col. 4 line 11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Subramanian et al. system with the teaching of Nguyen of assigning time to establish the call in order to avoid the user impatiently waiting for connecting the call when it is busy or unavailable channel.

Regarding claim 2, Subramanian et al. further discloses the method of claim 1, wherein the step of deferring establishment of said call comprises the steps of: notifying said user that no radio channel is available (abstract, fig. 3B, col. 4 lines 18-25); and receiving a deferred call request from said user (request call back) (abstract, fig. 3A-B, col. 5 line 14 thru col. 6 line 5).

Regarding claim 4, Subramanian et al. further discloses the step of reserving a channel at said assigned time (MSC/VLR reserved a traffic channel then released a traffic channel previously assigned to the call MS) (fig. 3B, col. 5 lines 1-52), and calling said user to inform said user that said call can now be attempted (col. 2 lines 10-36, col. 5 lines 1-65).

Regarding claim 5, Subramanian et al. further discloses the step of receiving a channel comprises the step of paging user in order to located said user (col. 5 line 66 thru col. 6 line 5)

Regarding claim 6, Subramanian et al. further discloses the method of claim 4, wherein the step of reserving a channel for said call comprises the step of attempting to reserve a channel for said call for a period of P seconds prior to said assigned time (MSC/VLR has to reserve a traffic channel before it can release a traffic channel previously assigned to the call MS in duration timer) (fig. 3B, col. 5 lines 1-52), wherein P is a parameter determined by an operator of said mobile telecommunications system (duration timer from MSC/VLR).

Regarding claim 7, Subramanian et al. further discloses the method of claim 1, wherein the step of attempting to complete said call at said assigned time comprises the steps of: reserving a channel for use by said user at said assigned time (MSC/VLR reserved a traffic channel then released a traffic channel previously assigned to the call MS) (fig. 3B, col. 5 lines 1-52); said system waiting for said user to originate said call; if said user originates said call within R seconds, completing said call as in the prior art

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(fig. 3B); and if said user does not attempt to originate said call within R seconds, releasing resources reserved for said call (if the caller ignore the callback request, MSC/VLR disconnects the call back call) (col. 5 line thru col. 6 lines 54).

Regarding claim 8, Subramanian et al. further disclose the method of claim 7, wherein the step of reserving a channel comprises the step of paging said user in order to locate said user (col. 5 line 66 thru col. 6 line 5).

Regarding claim 9, Subramanian et al. discloses an apparatus for establishing a wireless cellular telecommunications call (abstract), comprising the steps of: originating said call; if a radio channel is available for said call, establishing said call in accordance with the principles of the prior art (abstract, fig. 2); if no radio channel is available for said call, deferring establishment of said call (fig. 3A-B, col. 1 line 62 thru col. 2 line 35, col. 5 lines 14-24). However, Subramanian et al. does not specifically disclose deferring establishment call to an assigned time and establishing said call at said assigned time.

Nguyen teaches establishing call to an assigned time and establishing said call at said assigned time (abstract, fig. 2-3, col. 3 line 15 thru col. 4 line 11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Subramanian et al. system with the teaching of Nguyen of assigning time to establish the call in order to avoid the user impatiently waiting for connecting the call when it is busy or unavailable channel.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian et al. (6,456,842) in view of Nguyen (6,122,509) and further in view of Rabe et al. (6,138,010).

Regarding claim 3, in the modify Subramanian et al. system, Subramanian et al. does not specifically disclose the step of negotiating said assigned time between said user and the telecommunications system.

Rabe et al. teaches the step of negotiating said assigned time between said user and the telecommunications system (abstract, fig. 3-6, col. 8 line 64 thru col. 9 line 16).

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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify system of Subramanian et al. with the teaching of Rabe et al. of negotiating time to establish the call in order to avoid the user impatiently waiting for connecting the call when it is busy or unavailable channel.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label

"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Dec. 9, 2003



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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